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IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
)	
)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO)	
CLASS 1 CLAIMS)	
)	

As discussed at the status conference on October 8, 2009, the J&J Defendants anticipate moving for summary judgment with respect to the claims by Class 1 consumers. At the conference, the Court indicated that the J&J Defendants should file their motion or motions within 30 days, *i.e.*, by November 9, 2009. By this motion, the J&J Defendants request an additional two weeks to file their summary judgment motion(s), *i.e.*, until November 23, 2009. The J&J Defendants request this extension because counsel for the J&J Defendants has several other briefs due in another case during the week of November 9th.

Counsel for the Plaintiffs do not oppose the J&J Defendants' request. Counsel for Plaintiffs asked the J&J Defendants to consent to allow them to file their response to the motion(s) on January 8, 2010. The J&J Defendants do not oppose plaintiffs' request.

Accordingly, the J&J Defendants request that they be given until November 23, 2009 to file their motion(s) for summary judgment, and that plaintiffs be given until January 8, 2010 to respond to the motion(s).

Dated: October 27, 2009

/s/ Andrew D. Schau

Andrew D. Schau

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs consent to this motion.

/s/ Andrew D. Schau

Andrew D. Schau

CERTIFICATE OF SERVICE

I certify that on October 27, 2009 a true and correct copy of the foregoing was delivered via electronic service to all counsel of record pursuant to Case Management Order No. 2.

/s/ Andrew D. Schau

Andrew D. Schau